



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-240
<b>Regulation Title:</b>	Rules & Regulations for the Enforcement of the Grain Handlers Law
<b>Action Title:</b>	Review
<b>Date:</b>	July 7, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation establishes procedures by which grain is weighed, graded, and accounted for by grain handlers (persons who buy grain for resale as grain or grain products).

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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The authority of this regulation is contained in Section 3.1-348.3 of the Code of Virginia (1950), as amended. This section authorizes the Board of Agriculture and Consumer Services to establish rules and regulations relating to the handling of grain in the Commonwealth including weighing, weighing devices, grading, grading equipment, preservation period for grain samples, and record keeping. There are no federal or state mandates for this regulation.

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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Only one comment was received during this time. The commenter wanted the regulations strengthened in the area of inspection of grading equipment.

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The measurable goals of the regulation are:

1. The protection of the public's health, safety, and welfare with the least cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. To establish procedures by which grain is weighed, graded, and accounted for.

This regulation is effective in achieving its goals. The regulation is essential to protect the welfare of citizens because grain is an important component of Virginia's prosperity. Virginia's grain is exported and used domestically. All of Virginia-produced-grain is weighed (and the vast

majority graded) pursuant to procedures set by this regulation. Some out of state grain is weighed and graded pursuant to these procedures as well.

A regulation such as this ensures that both buyer and seller have as the basis for their transaction, grain that is of a known weight and grade. For buyer and seller to have certainty as to the quantity (weight) and quality (grade) of the grain that is the subject of their business transaction is an inducement to trade that contributes importantly to Virginia's economy.

This regulation is clearly written and easily understood by its client base. This regulation has no impact on the institution of the family and family stability.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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The alternative considered would be to have no regulation at all. With this alternative, there would be no third party assuring grain sellers of fair and equitable treatment in the selling of their grain. This regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

**Recommendation**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The agency is recommending that the regulation remain in effect without change.

**Family Impact Statement**

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

This regulation has no impact upon families.